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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GABRIEL DIAZ,

12 Plaintiff,

13 v.

14 R. VALDEZ, A. IBANEZ, J.
15 MELENDEZ, and TRISTAN LEMON,

16 Defendants.

Case No.: 1:23-cv-00618 JLT HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY COURT ORDER AND
FAILURE TO PROSECUTE

(Doc. 6)

17 Gabriel Diaz, a federal prisoner proceeding *pro se*, filed this civil rights action under 42
18 U.S.C. § 1983. (Doc. 1.) The matter was referred to a United States Magistrate Judge pursuant to
19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 The magistrate judge issued Findings and Recommendations recommending Diaz's
21 complaint be dismissed without prejudice for failing to prosecute it and for failing to comply with
22 a court order. (*See* Doc. 6.) The Findings and Recommendations notified Diaz that he could file
23 written objections to be filed within 14 days of service. (*Id.* at 5.) Diaz has not filed any
24 objections and the time to do so has passed.

25 According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this
26 case. Having carefully reviewed the entire file, the Court finds the Findings and
27 Recommendations are supported by the record and by proper analysis. Accordingly, the Court

28 **ORDERS:**

1. The Findings and Recommendations issued on October 19, 2023, (Doc. 6), are **ADOPTED** in full.
2. This action is **DISMISSED**, without prejudice, due to Plaintiff's failure to obey a court order and failure to prosecute.
3. The Clerk of Court is directed to close this action.

IT IS SO ORDERED.

Dated: **November 28, 2023**


UNITED STATES DISTRICT JUDGE